

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK



PAUL RUDOLPH FOUNDATION, INC.,

Plaintiff,

v.

PAUL RUDOLPH HERITAGE FOUNDATION,
and ERNST WAGNER,

Defendants.

Civil Action No. 20-cv-8180 (CM)(SLC)
ECF Case

CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER

After consultation with counsel for the parties, the Court adopts the following Civil Case Management Plan and Scheduling Order, in accordance with Fed.R.Civ.P. 16 and 26(f).

1. This case is to be tried to a jury.
2. Discovery pursuant to Fed.R.Civ.P. 26(a)(1) shall be exchanged by February 5, 2021.
3.
 - a. Except with leave of Court, no additional parties may be joined by Plaintiff after February 5, 2021.
 - b. Except as part of an amended pleading, permitted as of right under Fed.R.Civ. P. 15(a)(1), or by leave of Court, no additional parties may be joined by Defendants after February 5, 2021.
4.
 - a. Except with leave of Court, no pleading may be amended by Plaintiff after February 5, 2021.
 - b. No pleading may be amended by Defendant after February 5, 2021, except an amendment permitted as of right under Fed. R. Civ. P. 15(a)(1) or except with leave of Court.
5. All discovery, *including expert discovery*, must be completed on or before July 30, 2021. PLEASE NOTE: the phrase "all discovery, including expert discovery" means that the parties must select and disclose their experts' identities and opinions, as required by Fed.R.Civ.P. 26(a)(2)(B), *well before* the expiration of the discovery period. Expert disclosures conforming with Rule 26 must be made no later than the following dates: Plaintiff's by June 4, 2021; Defendants' by June 18, 2021, with respective rebuttal reports due 30 days thereafter pursuant to Fed. R. Civ. P. 26(a)(2)(D)(ii).

6. Judge McMahon's Rules governing electronic discovery apply automatically to this case. The parties must comply with them unless they supersede it with a consent order.
7. Discovery disputes in this case will be resolved by the assigned Magistrate Judge, who is the Hon. Sarah L. Cave. The first time there is a discovery dispute that counsel cannot resolve on their own, notify Judge McMahon's Chambers by letter and she will sign an order referring your case to the Magistrate Judge for discovery supervision. Thereafter, go directly to the Magistrate Judge for resolution of discovery disputes; do not contact Judge McMahon. Discovery disputes do not result in any extension of the discovery deadline or trial-ready date, and Judge McMahon must approve any extension of the discovery deadline in non-*pro se* cases. The Magistrate Judge cannot change discovery deadlines unless you agree to transfer the case to the Magistrate Judge for all purposes. Judge McMahon does not routinely grant extensions so counsel are warned that if they wait until the last minute to bring discovery disputes to the attention of the Magistrate Judge, they may find themselves precluded from taking discovery because they have run out of time.
8. A joint pre-trial order in the form prescribed in Judge McMahon's individual rules, together with all other pre-trial submissions required by those rules (not including *in limine* motions), shall be submitted on or before September 15, 2021. Following submission of the joint pre-trial order, counsel will be notified of the date of the final pre-trial conference. *In limine* motions must be filed within five days of receiving notice of the final pre-trial conference; responses to *in limine* motions are due five days after the motions are made. Cases may be called for trial at any time following the final pre-trial conference.
9. No motion for summary judgment may be served after the date the pre-trial order is due. The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pre-trial order and other pre-trial submissions on the assigned date.
10. The parties may at any time consent to have this case tried before the assigned Magistrate Judge pursuant to 28 U.S.C. Section 636(c).
11. This scheduling order may be altered or amended only on a showing of good cause that is not foreseeable at the time this order is entered. *Counsel should not assume that extensions will be granted as a matter of routine.*

Upon consent of the parties:

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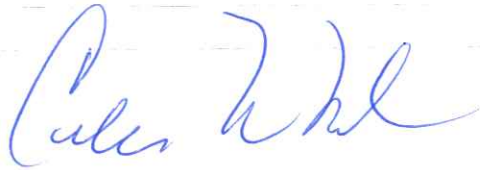
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Dated: January 26, 2021

SO ORDERED.

1/28/2021



Hon. Colleen McMahon
United States District Judge